IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Bail Appl..No. 2039 of 2007

CRIME NO.11/2006 OF KOLLENKODE EXCISE RANGE

: PETITIONER/ACCUSED

KANAKARAJ, S/O.CHENNIYAPPA KOUNDER,
AGED 30 YEARS, RESIDING AT ALAKAPURI COLONY,
CHEMMANAMPATHY, GOVINDAPURAM P.O.,
KOLLENKODE, PALAKKAD DISTRICT.

BY ADV. SRI.V.SANTHARAM
SMT.SHIJA SHERIDAN
SRI.ANTO THOMAS

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, KOLLENKODE RANGE OFFICE,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 2039/2007

Dated this 4th day of April, 2007

O R D E R

The petitioner, who is the accused in C.R.No.11/2006 of Kollenkode Excise Range for an offence punishable under Section 55(g) of the Abkari Act for allegedly distilling 400 litres of wash on 12.4.2006 and who was allegedly made his escape on seeing the excise party, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that nothing has been recovered from his property and that the petitioner is falsely implicated in the case. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed.

The application is disposed of as above.

V.RAMKUMAR,
JUDGE

mrcs